

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JOHN K. RICHARDSON, }
v. Plaintiff, } Civil Action No. 06-174 Erie
MICHAEL J. MACHEN, et al., }
Defendants. }

MEMORANDUM ORDER

____ Plaintiff's civil rights complaint was received by the Clerk of Court on August 2, 2006 and was referred to Chief United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Chief Magistrate Judge's Report and Recommendation [37], filed on January 17, 2008, recommends that Defendants' Motion to Dismiss [25] be granted and further recommends that, pursuant to the authority granted to courts in the Prison Litigation Reform Act (PLRA), 28 U.S.C.A. §§ 1915A and 1915(e), Plaintiff's claims against unnamed Defendants "County Officials in Allegheny County" be dismissed in their entirety inasmuch as Plaintiff has failed to identify and serve said Defendants within 120 days as required by Federal Rule of Civil Procedure 4(m). The parties were allowed ten (10) days from the date of service in which to file objections. Service was made on Plaintiff by certified mail at SCI Albion, where he is incarcerated, and on the Defendants. No objections were filed, nor has Plaintiff filed any opposition to the Defendants' motion. After de novo review of the complaint and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 7th day of February, 2008;

IT IS ORDERED that Defendants' Motion to Dismiss [25] be, and hereby is, GRANTED. IT IS FURTHER ORDERED that the claims against unnamed Defendants "County Officials in Allegheny County" be, and hereby are, DISMISSED in their entirety, as Plaintiff has failed to identify and serve said Defendants within 120

days as required by Rule 4(m) of the Federal Rules of Civil Procedure.

The Report and Recommendation of Chief Magistrate Judge Baxter,
dated January 17, 2008 [37], is adopted as the opinion of this Court.

s/ SEAN J. McLAUGHLIN

Sean J. McLaughlin
United States District Judge

cc: all parties of record
Chief U.S. Magistrate Judge Baxter